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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 24 September 2003 from the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Committee

The Permanent Mission of the Islamic Republic of Iran to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1267 (1999) and has the honour to transmit herewith the report submitted by the Government of the Islamic Republic of Iran in accordance with paragraph 6 of resolution 1455 (2003) (see annex).

It would be appreciated if the present letter and its annex could be circulated as a document of the Security Council.

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Annex to the note verbale dated 24 September 2003 from the Permanent Mission of the Islamic Republic of Iran addressed to the Committee

Report submitted by the Islamic Republic of Iran pursuant to paragraph 6 of Security Council resolution 1455 (2003)

Q1: Please provide a description of activities, if any, by Osama bin Laden, al-Qa'idah, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.

A1: The Islamic Republic of Iran did not authorize any sort of activity by the Taliban, Osama bin Laden or al-Qa'idah in its territory from the early days of their domination over Afghanistan due to their sectarian, reactionary and fanatic nature. Moreover, proper warnings were issued by the Islamic Republic of Iran to the international community regarding the threat they posed against regional and international peace and security. This policy was pursued at a time when efforts were under way by some to gain recognition for the Taliban as the constitutional government of Afghanistan in the United Nations and other international organizations. The Islamic Republic of Iran continued with its strong opposition to such a policy, for the reasons elaborated above, and did not establish diplomatic relations with the Taliban regime.

During the joint dominance of the Taliban and al-Qa'idah in Afghanistan, enormous damage was inflicted upon the Islamic Republic of Iran by the hostile actions of those groups, which resulted, inter alia, in the prevalence of insecurity along the eastern borders and the killing of Iranian diplomats in Mazare-Sharif in 1997.

This threatening situation further exacerbated the already tense climate along the eastern border to such an extent that full-scale military conflict with the Taliban regime at one point seemed inevitable. As a result, large contingents of Iranian troops were deployed along the border with Afghanistan to face the real threats in the region.

Q2: How has the Committee's list been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs and consular authorities?

A2: The Ministry of Foreign Affairs disseminates, on a regular basis, the updated list of the Committee among the concerned political, security, military, consular, financial, economic and judicial departments and institutions. It will go systematically to the lower levels of the departments in order to take necessary measures on the basis of the obligation stemming from the concerned Security Council resolutions, particularly resolutions 1390 (2002) and 1455 (2003).

Q3: Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the list? If so, please describe these problems.

A3: There are a variety of problems in this context. Incomplete personal data of the individuals whose names are included in the list, lack of photographs, no clear

reference to the nationality of some of them and the frequent use by these persons of fake and forged documents are among the main problems.

Q4: Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

A4: None of the persons included in the list has so far been positively identified in the Islamic Republic of Iran.

Q5: Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Osama bin Laden or members of the Taliban or al-Qa`idah that have not been included in the list, unless to do so would compromise investigations or enforcement actions.

A5: A list of 78 suspicious persons who have been arrested and deported to their countries of origin has been submitted to the Committee. Another list comprising 147 more names has been presented to the Committee. A few suspects are also in custody for further investigation. There are more than 2,300 individuals who illegally entered the Islamic Republic of Iran via Pakistan from October 2002 to April 2003 and have been immediately handed over to Pakistani border guards. The names of these people have been forwarded to the Committee. During the recent war against Iraq and military operations against the Ansar-ul-Islam group headquarters in Iraqi Kurdistan, the Islamic Republic of Iran prevented the entry of about 400 persons associated with this group into its territory.

Q6: Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the list? Please specify and elaborate, as appropriate.

A6: None.

Q7: Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the list? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

A7: None.

Q8: According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting al-Qa`idah members in carrying out activities inside your country, and to prevent individuals from participating in al-Qa`idah training camps established in your territory or in another country.

A8: With the rule of the Taliban and al-Qa`idah in Afghanistan, the Islamic Republic of Iran tightened its security measures along its eastern border to confront any sort of activity by these groups. Such measures were intensified because of the deterioration of the situation in Afghanistan. Some of these measures were referred to in the report of the United Nations Monitoring Group (S/2002/1338) which has the mandate to supervise the implementation of Security Council resolutions 1390 (2002) and 1455 (2003). In this context, the Islamic Republic of Iran has taken the initiative to enlighten the high-standing scholars, thinkers, elites and people in the areas to prevent the spread of the influence of the Taliban and al-Qa`idah elements in the eastern parts of the country. The measures taken by the Islamic Republic of Iran as well as the lack of security for al-Qa`idah and Taliban elements in the

Islamic Republic of Iran constituted, inter alia, the most important obstacles in the way of the activities of these groups in the Islamic Republic of Iran.

Q9: Please describe briefly:

(a) The domestic legal basis to implement the asset freeze required by the resolutions above;

(b) Any impediments under your domestic law in this context and steps taken to address them.

A9a: Please refer to the supplementary report of the Islamic Republic of Iran with respect to resolution 1373 (2001) (S/2003/266, enclosure), pages 3, 4 and 5.

A9b: There is no specific legal barrier.

Q10: Please describe any structures or mechanisms in place within your Government to identify and investigate Osama bin Laden, al-Qa`idah or Taliban related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

A10: On the basis of the decisions and the directives of the National Security Council of the Islamic Republic of Iran, the members of the National Coordination Committee (referred to in the first national report of the Islamic Republic of Iran with respect to resolution 1373 (S/2001/1332, enclosure)) have been given the responsibility to counter the activities of the terrorist groups and individuals including members associated with al-Qa`idah and the Taliban.

Q11: Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Osama bin Laden or members of al-Qa`idah or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

A11: The updated list of the Committee annexed to the relevant directives is regularly forwarded to commercial, economic and financial institutions by the Central Bank and the Ministry of Economic and Financial Affairs. Those entities also keep the Ministry of Foreign Affairs informed regularly of the result of their findings.

Q12: Resolution 1455 (2003) calls on Member States to provide "a comprehensive summary of frozen assets of listed individuals and entities". Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2000) and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- *Identification of the person or entities whose assets have been frozen;*
- *A description of the nature of the assets frozen (i.e., bank deposits, securities, business assets, precious commodities, works of art, real estate property and other assets);*
- *The value of assets frozen.*

A12: On the basis of the measures that so far been taken as referred to in the previous questions, up to now no bank account or any movable or fixed property or asset belonging to the individuals and the groups included in the list of the Committee has been found in the Islamic Republic of Iran.

Q13: Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Osama bin Laden or members of al-Qa`idah or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

A13: On the basis of the answers given to previous questions, the reply to this question is negative.

Q14: Pursuant to resolutions 1455 (2003), 1390 (2002), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

- *The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of al-Qa`idah or the Taliban. This section should include an indication of the types of institutions informed and the methods used.*
- *Required bank-reporting procedures, if any, including the use of suspicious transaction reports (STR), and how such reports are reviewed and evaluated.*
- *Requirements, if any, placed on financial institutions other than banks to provide suspicious transaction reports, and how such reports are reviewed and evaluated.*
- *Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds and other related items.*
- *Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — "hawala", as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.*

A14: In addition to the explanations given so far in response to the previous questions, please refer to the supplementary national report of the Islamic Republic of Iran with respect to resolution 1373 (2001) (S/2003/266, enclosure). Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of listed individuals (paragraph 1 of resolution 1455 (2003), paragraph 2 (b) of resolution 1390 (2002).

Q15: Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

A15: Please refer to the report of the Islamic Republic of Iran with respect to resolution 1390 (2002) (S/AC.37/2002/69, annex). In the meantime, monitoring and controls have been intensified at the border exit and entry points and in border areas,

and proper advices have been given to the Department of Consular Affairs in the Ministry of Foreign Affairs as well as to the consular sections abroad to be vigilant in issuing visas. Visa requirements were suspended with respect to some countries.

Q16: Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

A16: Yes, the lists are entered into the computer network available at the exit and entry points of the Islamic Republic of Iran. In this respect, the use by such people of forged documents and false names, plus difficulties in maintaining security and imposition of tighter control along the long common borders with Afghanistan and Pakistan are among the main problems that the Islamic Republic of Iran faces in this regard.

Q17: How often do you transmit the updated list to your border control authorities? Do you possess the capability of searching list data using electronic means at all your entry points?

A17: The Ministry of the Interior sends such lists on a regular basis, as soon as it receives them from the Ministry of Foreign Affairs, to law enforcement agencies in order for them to take proper measures and exercise security control, particularly at border entry/exit points. There are electronically searchable lists at all border entry/exit points.

Q18: Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

A18: No.

Q19: Please provide an outline of the measures, if any, taken to incorporate the list in the reference database of your consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the list?

A19: The copies of the list are distributed among the concerned departments in the Ministry of Foreign Affairs, including the consular department, and the concerned personnel have been given necessary briefings. There has so far been no visa application from such persons in any of the consular missions of the Islamic Republic of Iran.

Q20: What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Osama bin Laden, members of al-Qa`idah and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

A20: The Islamic Republic of Iran does not possess weapons of mass destruction or their related materials, equipment and technology; and based on its obligations under the multilateral legal instruments banning such weapons, namely, the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological Weapons Convention, has adopted all necessary measures to prevent the production and development of such weapons as well as their related materials, devices, equipment and technology. The Ministry of Defence is the only

authority that is authorized to manufacture conventional weapons and control the export and import of arms and ammunitions. In addition, the Ministry of the Interior and the law enforcement agencies in accordance with the Criminal Act of Punishing the Smugglers of Arms and Ammunitions as well as the Armed Smugglers approved on 15 February 1971, adopts strict measures against any illegal move to smuggle arms and ammunitions. Moreover, owing to the loose security situation in Afghanistan during the last two decades as well as widespread activities by criminals and drug traffickers in those areas, the Islamic Republic of Iran has taken extensive security arrangements to impose more strict controls for maintaining security in the areas bordering Afghanistan and Pakistan in order to prevent any sort of arms and ammunition smuggling.

Q21: What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Osama bin Laden, members of al-Qa'idah and the Taliban and other individuals, groups, undertakings and entities associated with them?

A21: In accordance with the decisions of its high-level relevant decision-making departments, the Islamic Republic of Iran has enforced an effective arms embargo against the Taliban since the very beginning of their rule over Afghanistan in 1995. The Islamic Republic of Iran has fully emphasized the necessity of effective imposition of an arms embargo against the Taliban by all States. Violation of the arms embargo imposed by the Government against the Taliban and al-Qa'idah is a punishable crime. The procedures for the import and export of arms have been referred to in the answers to questions 22 and 23 and any activities outside these procedures are considered crimes in accordance with relevant applicable criminal law.

Q22: Please describe how your arms/arms broker licensing system, if any, can prevent Osama bin Laden, members of al-Qa'idah and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

A22: The Ministry of Defence conducts no export via brokers or middlemen, and the Ministry is required to establish a customer's identity in any transaction. The Islamic Republic of Iran, as a rule, exports arms only to Governments and on this basis fully respects all the relevant United Nations sanctions. In addition, contracts between the Islamic Republic of Iran and the purchasing countries are concluded formally at the levels of the President or the Minister of Defence. The insertion in the contracts of a condition of non-authorization to re-export arms to a third party is another guarantee to deny terrorist groups access to Iranian-made weapons.

Q23: Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Osama bin Laden, members of al-Qa'idah and the Taliban and other individuals, groups, undertakings and entities associated with them?

A23: The Ministry of Defence obtains an end-user certificate in its transactions with the countries concerned and ensures that no transaction is made with countries that are under United Nations sanctions. This practice is in fact an assurance that groups such as the Taliban and al-Qa'idah will be prevented from acquiring Iranian-made weapons.

Q24: Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

A24: The Islamic Republic of Iran has always reiterated its readiness to cooperate with the international community in fighting terrorism and in this context is in contact with relevant neighbouring countries to expand cooperation with a view to enforcing controls along common borders. Intelligence services are in contact with some other countries to promote bilateral cooperation for combating against terrorism. In this regard the Islamic Republic of Iran will consider any request by States for assistance, depending on the availability of proper information and resources.

Q25: Please identify areas, if any, of any incomplete implementation of the Taliban/al-Qa`idah sanctions regime, and where you believe specific assistance or capacity-building would improve your ability to implement the above sanctions regime.

A25: The Islamic Republic of Iran has fully observed all the relevant sanctions imposed by the Security Council against the Taliban and al-Qa`idah. However, in view of the long common border and in many cases uncontrollable areas within Pakistan and Afghanistan as well as the heavy cost of providing effective security and monitoring measures, particularly taking into account the activities of criminals and drug traffickers in the region, it is hoped that the international community, particularly the United Nations, will extend assistance to the Islamic Republic of Iran in financing and providing relevant technical equipment. The members of the United Nations Monitoring Group who travelled to the Islamic Republic of Iran in October 2002 had an opportunity to visit such difficult areas in the Islamic Republic of Iran and fully noted some of the problems as well as the needs of the country in this connection.